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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/455,282	12/06/1999	JOHN ANTHONY BEAVEN	UK9-99-128	4896

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IBM CORPORATION  
3039 CORNWALLIS RD.  
DEPT. T81 / B503, PO BOX 12195  
REASEARCH TRIANGLE PARK, NC 27709

EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PR2

<b>Office Action Summary</b>	<b>Application No.</b> 09/455,282	<b>Applicant(s)</b> BEAVEN ET AL.	
	<b>Examiner</b> Khanh Dinh	<b>Art Unit</b> 2151	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-23 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This is in response to the Reply filed on 12/11/2003 (paper 4). Claims 1-23 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Goodwin et al. US pat. No.6,199,195.

As to claim 1, Goodwin discloses an apparatus for processing business data processing

activities, said apparatus comprising:

an activity instance (object instance) and a descriptor for said activity instance associated uniquely with said activity instance (see abstract, fig.1, col.4 lines 6-63).

wherein said descriptor includes parameters for determining lifecycle behaviors of said activity instance (see also fig.3, col.6 line 29 to col.7 line 60 and col.8 line 43 to col.9 line 60).

As to claims 2 and 3, Goodwin discloses that the descriptor is programmable to modify said lifecycle behaviors according to a use made of said activity instance and is responsive to a request by a client (see col.7 line 7 to col.8 line 41 and col.11 line 18 to col.12 line 57).

As to claims 4 and 5, Goodwin discloses activity instance is responsive to a request by an activity instance is programmable to modify said lifecycle behaviors according to a position in a system hierarchy of said activity instance (i.e., using templates to make up a system definition, see fig.3, col.7 line 7 to col.8 line 41 and col.9 line 7 to col.10 line 62).

As to claims 6 and 7, Goodwin discloses controlling of concurrency of activity instances and controlling of re-creation of activity instances (see figs.2, 3, col.7 line 7 to col.8 line 41 and col.9 line 7 to col.10 line 62).

As to claims 8 and 9, Goodwin discloses controlling of termination of activity instances and permitting a creation of an activity instance identifier (see fig.3, col.9 line 7 to col.10 line 62 and col.13 line 7 to col.14 line 60).

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As to claims 10 and 19, Goodwin discloses a method for processing business data processing activities, said method comprising the steps of:

defining activity lifecycle characteristics in a descriptor and associating said descriptor uniquely with an activity instance (see abstract, fig.1, col.4 lines 6-63).

using said descriptor to control a lifecycle of said activity instance (see also fig.3, col.6 line 29 to col.7 line 60 and col.8 line 43 to col.9 line 60).

As to claim 11, Goodwin discloses enable definition of varying activity lifecycle characteristics according to a use made of said activity instance client (see col.7 line 7 to col.8 line 41 and col.11 line 18 to col.12 line 57).

Claims 12-18 are rejected for the same reasons set forth in claims 3-9 respectively.

Claims 20-23 are rejected for the same reasons set forth in claims 11 and 3-5 respectively.

#### ***Response to Arguments***

4. Applicant's arguments filed on 12/11/2003 have been fully considered but they are not persuasive.

- Applicant asserts that the in the Godwin reference disclose "objects", NOT "instances" as in the specifications.

*Examiner respectfully disagrees. In the claim language (taking claim 1 as example), applicant claims "activity instance" not "**instance**" alone. Godwin discloses the "object instances" that the developers can use it to design or to custom new business*

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*services that support the composed behaviors from different object management services (see abstract, figs. 1, 3, col. 4, lines 6-63, col. 6 line 29 to col. 7 line 60 and col. 8 line 43 to col. 9 line 60). This process uses "objects instance" to create business activities (i.e., activity such as life cycle, proxy object..) according to various user data from distributed data sources. Therefore, Godwin discloses the "activity instance" as the applicant claimed invention. Moreover, claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. See In re Self, 213 USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978). The Examiner has a duty and responsibility to the public and to Applicant to interpret the claims as broadly as reasonably possible during prosecution (see In re Prater, 56 CCPA 1381, 415 F.2d 1393, 162 USPQ 541 (1969)).*

### ***Conclusion***

5. Claims 1-23 are *rejected*.
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

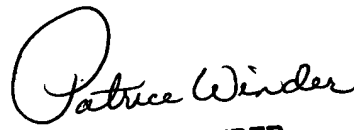
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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on (703) 305-4792. The fax phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

  
PATRICE WINDER  
PRIMARY EXAMINER

Khanh Dinh  
Patent Examiner  
Art Unit 2155  
4/18/2004